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UNCLAS SECTION 01 OF 04 COLOMBO 001562

SIPDIS

DOL/ILAB FOR TINA MCCARTER

DRL/IL FOR LAUREN HOLT

STATE FOR SA/INS

MCC FOR S GROFF, D NASSIRY AND E BURKE

GENEVA PASS USTR

E.O 12958: N/A

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SUBJECT: Sri Lanka GSP Child Labor Update

REF: A) STATE 143552 B) 04 COLOMBO 001396

C) COLOMBO 001436

1. PER REF A, BELOW IS AN UPDATE OF WORST FORMS OF CHILD LABOR INFORMATION. THIS REPORT PROVIDES NEW DEVELOPMENTS SINCE THE SUBMISSION OF THE LAST UPDATE IN 2004 (REF B). A DETAILED REPORT WAS SUBMITTED IN 2003 (REF C).

A) LAWS AND REGULATIONS PROSCRIBING THE WORST FORMS OF CHILD LABOR.

2. THE GOVERNMENT OF SRI LANKA RATIFIED ILO CONVENTION 182 ON THE WORST FORMS OF CHILD LABOR IN MARCH 2001. LAWS PROSCRIBING WORST FORMS OF CHILD LABOR HAVE NOT BEEN FORMULATED YET. IN 2004, SRI LANKA COMPILED A LIST OF FORTY NINE OCCUPATIONS CONSIDERED TO BE WORST FORMS OF CHILD LABOR EXISTING IN SRI LANKA. THE LIST WAS DEVELOPED BY A NATIONAL STEERING COMMITTEE AND ADOPTED BY THE NATIONAL LABOR ADVISORY COUNCIL HEADED BY THE MINISTER OF LABOR. THE LIST WILL BE GIVEN LEGAL EFFECT UNDER THE EXISTING EMPLOYMENT OF WOMEN, YOUNG PERSONS AND CHILDREN ACT (EWYPC). HOWEVER, SINCE THERE ARE NO ENABLING PROVISIONS IN THE ACT TO MAKE REGULATIONS TO PROHIBIT HAZARDOUS LABOR, THE ACT NEEDS TO BE AMENDED. AS MENTIONED IN REFS B AND C, IN THE ABSENCE OF LAWS TO PROHIBIT WORST FORMS OF CHILD LABOR, EXISTING LAWS PROTECT CHILDREN FROM MANY FORMS OF HAZARDOUS LABOR AND ABUSE. IN ADDITION, THE PARLIAMENT PASSED A LAW TO PREVENT AND COMBAT TRAFFICKING OF WOMEN AND CHILDREN FOR PROSTITUTION IN AUGUST 2005. THE NEW LAW MEETS SRI LANKA'S OBLIGATIONS UNDER THE SAARC CONVENTION ON PREVENTING AND COMBATING TRAFFICKING IN WOMEN AND CHILDREN FOR PROSTITUTION. THIS LAW, HOWEVER, WILL ALSO REQUIRE IMPLEMENTING REGULATIONS BEFORE IT WILL TAKE EFFECT.

B) REGULATIONS FOR IMPLEMENTATION AND ENFORCEMENT OF PROSCRIPTIONS AGAINST WORST FORMS OF CHILD LABOR

3. ENFORCEMENT STATISTICS: THE FOLLOWING TABLE PRESENTS DATA ON CHILD LABOR COMPLAINTS MADE TO GOVERNMENT AGENCIES.

YEAR	DEPT OF LABOR(A)	NCPA(C)
2000	194	184
2001	255	276
2002	161	386
2003	203	179
2004	147	409(D)
2005(B)	63	NA

(A) EMPLOYMENT OF CHILDREN BELOW 14 YEARS; 7, 42, 26, 44, 48 AND 20 CASES WERE PROSECUTED IN 2000, 2001, 2002, 2003, 2004 AND 2005 RESPECTIVELY.

(B) DATA FOR JANUARY TO JUNE 2005.

(C) THE NATIONAL CHILD PROTECTION AUTHORITY (NCPA) RECEIVES COMPLAINTS ON ALL FORMS OF ABUSE AGAINST CHILDREN BELOW 18 YEARS. MOST OF THE COMPLAINTS CONCERN SEXUAL ABUSE, INCLUDING CHILD PROSTITUTION.

(D) IN 2004, NCPA RECEIVED 29 COMPLAINTS ABOUT CHILD LABOR AND 260 ABOUT SEXUAL ABUSE.

-- The National Child Protection Agency's cyber watch unit continues to combat child abuse (child pornography and pedophilia) using the internet. The unit has also been able to crack down on foreign pedophiles operating in Sri Lanka. Statistics pertaining to cyber watch unit activities are below. Data within parenthesis indicate

the number of foreign suspects.

--	No of investigations	No of arrests
2002	45 (17)	7 (4)
2003	40 (10)	2 (0)
2004	25 (7)	2 (2)
2005(a)	34 (10)	2 (0)

(a) January to July

Source: NCPA

C) SOCIAL PROGRAMS TO PREVENT AND WITHDRAW CHILDREN FROM THE WORST FORMS OF CHILD LABOR.

14. THE GOVERNMENT OF SRI LANKA CONTINUES TO DEMONSTRATE A STRONG COMMITMENT TO EDUCATION, AND STRIVES TO ELIMINATE CHILD LABOR THROUGH EDUCATION. THERE IS STRONG COMMITMENT TO CHILD PROTECTION AND EDUCATION AT THE HIGHEST LEVEL OF THE GOVERNMENT. THE (EXECUTIVE) PRESIDENT IS ALSO THE MINISTER OF EDUCATION. IN ADDITION, THE NATIONAL CHILD PROTECTION AUTHORITY (NCPA), THE APEX BODY CHARGED WITH CHILD PROTECTION, COMES UNDER THE PRESIDENT.

15. THE MAIN POLICY OBJECTIVES OF THE EDUCATION SECTOR ARE TO PROVIDE UNIVERSAL ACCESS TO PRIMARY AND SECONDARY EDUCATION AND TO PROMOTE FULL ENROLLMENT AND COMPLETION OF THE COMPULSORY EDUCATION CYCLE (5 TO 14 YEARS). ACCORDING TO THE EDUCATION MINISTRY, GRADE ONE ENROLLMENT WAS 98% AND THE PRIMARY COMPLETION RATE WAS 95% IN 2004. THE MINISTRY ESTIMATES THAT ABOUT 16 TO 17% OF CHILDREN IN THE AGE GROUP 10 TO 14 ARE OUT OF SCHOOL. THE MINISTRY HAS DESIGNED AN EDUCATION SECTOR DEVELOPMENT PROGRAM, WITH WORLD BANK ASSISTANCE, TO ENSURE 100 PERCENT ATTENDANCE OF CHILDREN 10-14 WITHIN A FOUR YEAR PERIOD FROM 2006-2010. IN 2005, PRIMARY EDUCATION EXPENDITURE WAS ABOUT 30% OF TOTAL GOVERNMENT BUDGET FOR EDUCATION (PRIMARY TO UNIVERSITY). THE GOVERNMENT CONTINUES TO PROVIDE UNIVERSAL FREE EDUCATION (PRIMARY AND SECONDARY), FREE HEALTH CARE, FREE SCHOOL TEXT BOOKS AND FREE SCHOOL UNIFORMS TO ENCOURAGE SCHOOLING. THE GOVERNMENT ALSO SUPPORTS A HOST OF OTHER PROGRAMS TO PROMOTE ACCESS TO PRIMARY EDUCATION AND ENHANCE THE QUALITY AND RELEVANCE OF EDUCATION. THE GOVERNMENT CONTINUES TO MONITOR THE ENFORCEMENT OF THE COMPULSORY EDUCATION LAW THROUGH SCHOOL ATTENDANCE COMMITTEES. IN 2004, THERE WERE 8,400 SCHOOL ATTENDANCE COMMITTEES IN SCHOOLS IN VULNERABLE COMMUNITIES SUCH AS URBAN SLUMS, FISHING COMMUNITIES, REMOTE VILLAGES, PLANTATIONS AND CONFLICT AREAS. TO FURTHER ENCOURAGE SCHOOL ENROLLMENT, THE GOVERNMENT CONDUCTS A SCHOOL FEEDING PROGRAM FOR FIRST GRADERS IN OVER 3,000 DISADVANTAGED SCHOOLS. THERE ARE OTHER PROGRAMS TO DISCOURAGE CHILD LABOR. THE GOVERNMENT HAS ESTABLISHED SIX SHELTERS FOR STREET CHILDREN, WITH FACILITIES FOR SCHOOLING. THERE ARE 180 FUNCTIONAL LITERACY CENTERS CATERING TO ABOUT 7,000 CHILDREN. ANOTHER PROGRAM TARGETS YOUNG CHILDREN WHO ARE NOT IN SCHOOL. UNDER THIS PROGRAM, SUCH CHILDREN ARE GIVEN SPECIAL TRAINING AND ADMITTED TO SCHOOLS. THE CHILD FRIENDLY SCHOOLS PROGRAM AIMS AT KEEPING DROPOUTS IN SCHOOL.

16. CHILDREN OF PLANTATION WORKERS ARE CONSIDERED HIGHLY VULNERABLE TO BECOMING CHILD LABOR VICTIMS. THE EDUCATION MINISTRY HAS RECENTLY SET UP A COMMITTEE TO DESIGN AN ACTION PLAN TO IMPROVE EDUCATION IN THE PLANTATION SECTOR. THE GOVERNMENT HAS ALSO TAKEN ACTION TO RECRUIT 3,000 TEACHERS TO PLANTATIONS, FILLING ALL TEACHER VACANCIES IN THESE SCHOOLS. ILO/IPEC IS WORKING CLOSELY IN THE PLANTATIONS RUNNING REMEDIAL CLASSES FOR CHILDREN WITH LEARNING DISABILITIES AND POTENTIAL DROPOUTS. ILO/IPEC IS ALSO WORKING WITH TRADE UNIONS AND EMPLOYERS IN SUPPORTING WORKERS TO SEND THEIR CHILDREN TO SCHOOL. IPEC IS ALSO SPONSORING PLANTATION INDUSTRY-RELATED VOCATIONAL TRAINING TO DROPOUTS IN ORDER TO PREVENT THEM LEAVING THE PLANTATIONS FOR EXPLOITATIVE EMPLOYMENT.

D) POLICY AIMED AT THE ELIMINATION OF THE WORST FORMS OF CHILD LABOR

17. THE GOVERNMENT OF SRI LANKA LAUNCHED A "NATIONAL PLAN OF ACTION FOR THE CHILDREN OF SRI LANKA" IN SEPTEMBER 2004. THE PLAN LOOKS AT THE OVERALL DEVELOPMENT AND PROTECTION OF CHILDREN. IT AIMS TO REDUCE THE INCIDENCE OF CHILD LABOR, THE WORST FORMS OF CHILD LABOR, AND THE TRAFFICKING OF CHILDREN. THE ACTION PLAN CONTAINS SEVERAL STRATEGIES TO STRENGTHEN THE LEGAL FRAMEWORK, ENFORCEMENT AND DATA COLLECTION, INCREASE VOCATIONAL TRAINING OPPORTUNITIES FOR SECONDARY SCHOOL STUDENTS AND INCREASE PUBLIC AWARENESS OF CHILD LABOR.

18. THE NATIONAL CHILD PROTECTION AUTHORITY (NCPA) CONTINUES TO PLAY AN IMPORTANT ROLE IN CHILD PROTECTION AND IS THE CENTRAL COORDINATION BODY.

9. IN 2005, THE SRI LANKA DEPARTMENT OF LABOR, THROUGH ITS DISTRICT OFFICES, WILL CONDUCT NEARLY 200 TRAINING PROGRAMS FOR DEPARTMENT OF LABOR OFFICIALS, DEPARTMENT OF PROBATION AND CHILD CARE OFFICIALS, THE POLICE AND OTHER SOCIAL PARTNERS TO STRENGTHEN THEIR CAPACITY TO PLAY A PROACTIVE ROLE IN THE ELIMINATION OF CHILD LABOR. THE TRAINING PROGRAM WAS INITIATED BY ILO/IPEC IN 2003. THESE PROGRAMS ARE NOW FUNDED BY THE GOVERNMENT UNDER THE NATIONAL PLAN OF ACTION FOR THE CHILDREN.

E) PROGRESS TOWARD ELIMINATING THE WORST FORMS OF CHILD LABOR

10. SRI LANKA CONTINUES TO SHOW ITS COMMITMENT TO PROTECTING CHILDREN AND ELIMINATING CHILD LABOR. ACCORDING TO INTERLOCUTORS, DUE TO VARIOUS GOVERNMENTAL AND NGO PROGRAMS, AWARENESS REGARDING CHILD LABOR HAS GREATLY INCREASED. NEVERTHELESS, PRIMARILY DUE TO THE INCREASING COST OF LIVING AND POVERTY, CHILD LABOR CONTINUES. HOWEVER, NO RECENT STATISTICS ARE AVAILABLE ON THE CHILD LABOR SITUATION. THE GOVERNMENT HAS NOT UPDATED ITS CHILD ACTIVITY REPORT PUBLISHED IN 1999. CHILD LABOR IS NOT PREVALENT IN THE FORMAL SECTOR. DESPITE LEGISLATION COVERING MINIMUM AGE FOR EMPLOYMENT AND COMPULSORY EDUCATION, WHICH PROHIBITS THE EMPLOYMENT OF CHILDREN 14 AND BELOW, CHILD LABOR OCCURS IN THE INFORMAL SECTOR SUCH AS IN SMALL EATING HOUSES, SMALL SHOPS, SMALL SCALE INDUSTRIES, IN AGRICULTURE AND AS DOMESTIC LABOR. THE GOVERNMENT IS TRYING TO MINIMIZE CHILD LABOR THROUGH A VARIETY OF PROGRAMS, AND WORKS WITH UNICEF, ILO/IPEC AND LOCAL AND INTERNATIONAL NGO'S SUCH AS SAVE THE CHILDREN.

11. CHILD SOLDIERING IS THE MOST PRESSING FORM OF HAZARDOUS CHILD LABOR EXISTING IN SRI LANKA. DESPITE THE ANNOUNCEMENT OF A CEASEFIRE IN 2002, THE LIBERATION TIGERS OF TAMIL EALAM (LTTE) CONTINUES TO USE CHILD SOLDIERS AND RECRUITS CHILDREN, SOMETIMES FORCIBLY, FOR TRAINING IN COMBAT. CHILD SOLDIERS RELEASED BY THE LTTE ARE NOW HANDED BACK TO THEIR FAMILIES DIRECTLY. A UNICEF MONITORING PROGRAM IS IN PLACE TO CONFIRM THE ACCURACY OF LTTE REPORTS ON THE RELEASE OF CHILD SOLDIERS AND TO ENSURE THE PROTECTION OF EX-CHILD SOLDIERS. SAVE THE CHILDREN IS PROVIDING FOLLOW UP WORK REGARDING THEIR RE-INTEGRATION AND WELFARE. IN ORDER TO PROMOTE EDUCATION AND CHILD WELFARE IN CONFLICT AFFECTED NORTH AND EAST, UNICEF WORKING WITH VARIOUS PARTNERS PROVIDES CATCH-UP EDUCATION AND PSYCHOSOCIAL SUPPORT. UNICEF ALSO ASSISTS GOVERNMENT EFFORTS TO PROMOTE EDUCATION IN THE CONFLICT AFFECTED AREAS.

12. THERE ARE INCREASED PRESS REPORTS ABOUT SEX ABUSE. CHILDREN ESPECIALLY FROM LOW INCOME FAMILIES AND WHOSE MOTHERS ARE WORKING ABROAD, ARE ALSO SUBJECT TO INCEST WHICH INCREASES THEIR VULNERABILITY TO GET INVOLVED IN COMMERCIAL SEX WORK. HOWEVER, NO RECENT DATA OR ESTIMATES ARE AVAILABLE ON THE NUMBER OF CHILD SEX WORKERS. THE NCPA AND NGOS SUCH AS PROTECTING ENVIRONMENT AND CHILDREN EVERYWHERE (PEACE) ARE STRIVING TO PREVENT SEXUAL ABUSE OF CHILDREN BY CUTTING OFF THE SUPPLY OF CHILDREN SUBJECT TO TRAFFICKING.

13. ORGANIZATIONS SUCH AS THE NCPA, UNICEF, ILO/IPEC AND PEACE HAVE ALSO LAUNCHED SPECIAL PROGRAMS TO PROTECT TSUNAMI AFFECTED CHILDREN FROM BEING TRAFFICKED AND

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FALLING VICTIM TO SEX ABUSE AND CHILD LABOR. IN ADDITION, THE OFFICE OF FOREIGN DISASTER ASSISTANCE (OFDA) HAS FUNDED THE AMERICAN CENTER FOR INTERNATIONAL LABOR SOLIDARITY (ACILS) TO IMPLEMENT AN ANTI-TRAFFICKING AWARENESS PROGRAM. WHILE NOT AIMED SPECIFICALLY AT CHILD TRAFFICKING, IT IS DESIGNED TO RAISE AWARENESS OF TRAFFICKING ISSUES.

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